

ESTTA Tracking number: **ESTTA500690**

Filing date: **10/17/2012**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92055643
Party	Defendant NeoVictory Technology Co., Ltd.
Correspondence Address	LIN-YUN CHENG PRO-TECHTOR INTERNATIONAL SERVICES 20775 NORADA CT SARATOGA, CA 95070-3018 UNITED STATES linyun49@gmail.com
Submission	Answer
Filer's Name	Lin-Yun Cheng
Filer's e-mail	linyun49@gmail.com
Signature	/lin-yun cheng/
Date	10/17/2012
Attachments	12-10-17-AnswerFiled.pdf (4 pages)(25201 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Registration No. 3,737,908
Registered on January 12, 2010

Monster Cable Products, Inc.,)	
a California Corporation,)	
)	Cancellation No. 92055643
Petitioner,)	ANSWER TO CANCELLATION
v.)	
)	
NeoVictory Technology Co., Ltd.)	
A Taiwanese corporation,)	
)	
Registrant.)	
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To: BOX TTAB (NO FEE)
Commissioner for Trademarks
P. O. Box 1451
Alexandria, VA 22313-1451

REGISTRANT'S ANSWER TO PETITION FOR CANCELLATION

Registrant, NeoVictory Technology Co., Ltd., a corporation organized and existing under the laws of TAIWAN, Republic of China, for its answer to the above mentioned Amended Notice of Cancellation, pleads and avers as follows:

1. Registrant lacks sufficient information and belief to enable it to admit or deny the allegations contained in paragraphs 1 to 4 of the Amended Petition for Cancellation, and on the basis of that lack of information or belief, denies the allegations.

2. Registrant admits the allegations contained in paragraph 5 of the Amended Petition for Cancellation.

3. Registrant denies the allegations contained in paragraph 6 of the Amended Petition for Cancellation relative to abandonment of Registrant's trademark rights.

4. Registrant admits the fact allegations contained in paragraphs 7 to 9 of the Amended Petition for Cancellation.

5. Registrant denies the allegations contained in paragraphs 14 to 16 of the Amended Petition for Cancellation relative to abandonment of Registrant's trademark rights.

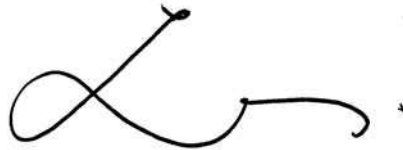
AFFIRMATIVE DEFENSES

6. Registrant's domestic representative, Lin-Yun Cheng, did receive Petitioner's inquiry letter of November 6, 2011 and forwarded it to Registrant days later. That letter was initiated by a private entity, the Petitioner in present proceeding, and requested some confidential or sensitive business information which Registrant had no legal obligation to respond or provide. The mere "no communication from Registrant" should not constitute Petitioner's cause of claims in the present proceeding.

7. Registrant's Statement of Use was submit under oath on November 4, 2009, claiming the "NEOVICTORY" mark was first used in commerce at least as early as October 13, 2009. Registrant will provide evidence to proof its use is bona fide, continuous and not just token use.

8. Registrant further affirmatively alleges that Registrant has never abandoned and has no intention to abandon its "NEOVICTORY" mark. Registrant has been continually and effectively used its mark in commerce since Registrant's first adoption of the "NEOVICTORY" mark on 10/13/2009 to the present.

WHEREFORE, Registrant prays that the Petition for Cancellation be dismissed in its entirety, and that the Registration No. 3,737,908 be maintained.

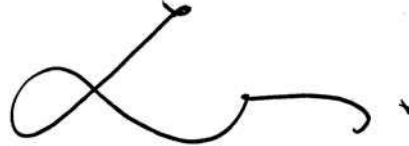
A handwritten signature in black ink, consisting of a large, stylized 'L' followed by a horizontal stroke and a small flourish.

Dated: October 17, 2012

Lin-Yun Cheng (Attorneys for Registrant)
Telephone: (408) 255-4976

CERTIFICATE OF ELECTRONIC FILING

The undersigned hereby certified that the foregoing ANSWER TO PETITION FOR CANCELLATION is being electronically filed using the Electronic System for Trademark Trials and Appeals (ESTTA) on October 17, 2012.

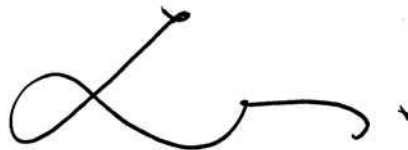


Lin-Yun Cheng (Attorneys for Registrant)
Telephone: (408) 255-4976

CERTIFICATE OF SERVICE BY MAIL

The undersigned hereby certified that the foregoing ANSWER TO PETITION FOR CANCELLATION is being deposited with the United States Postal Service, as first class mail, with postage prepaid, on October 17, 2012, in envelop addressed to the following:

Matthew Powelson, Esq.
321 Law, Inc.
P.O. Box 911
Monterey, CA 93942



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